

of the United States District Court for the District of Idaho held that article V of the Constitution did not permit Congress to extend a ratification deadline, writing, "Once the proposal has been formulated and sent to the States, the time period could not be changed any more than the entity designated to ratify could be changed from the State legislature to a State convention or vice versa. Once the proposal is made, Congress is not at liberty to change it.";

Whereas, on March 5, 2021, Judge Rudolph Contreras of the United States District Court for the District of Columbia held in *Virginia v. Ferriero*, 525 F. Supp. 3d 36 (2021) that the deadline contained in the Equal Rights Amendment Resolution was constitutionally valid and that the legislative actions of 3 State legislatures in 2017 through 2020, purporting to ratify the Equal Rights Amendment, "came too late to count";

Whereas Judge Contreras noted, "Inclusion of a deadline was a compromise that helped Congress successfully propose the ERA where previous attempts to pass a proposal had failed.";

Whereas, while Judge Contreras found it unnecessary to reach the question of whether Congress could retroactively alter a deadline, he did observe that "the effect of a ratification deadline is not the kind of question that ought to vary from political moment to political moment ... Yet leaving the efficacy of ratification deadlines up to the political branches would do just that.";

Whereas, on January 6, 2020, the Department of Justice Office of Legal Counsel issued a legal opinion stating, "We do not believe, however, that Congress in 2020 may change the terms upon which the 1972 Congress proposed the ERA for the States' consideration. Article V does not expressly or implicitly grant Congress such authority. To the contrary, the text contemplates no role for Congress in the ratification process after it proposes an amendment. Moreover, such a congressional power finds no support in Supreme Court precedent.";

Whereas the 2020 Office of Legal Counsel opinion also observed, "Because Congress and the State legislatures are distinct actors in the constitutional amendment process, the 116th Congress may not revise the terms under which two-thirds of both Houses proposed the ERA Resolution and under which 35 State legislatures initially ratified it. Such an action by this Congress would seem tantamount to asking the 116th Congress to override a veto that President Carter had returned during the 92nd Congress, a power this Congress plainly does not have."; and

Whereas in oral argument before the United States Court of Appeals for the District of Columbia Circuit in the *Virginia v. Ferriero* case on September 28, 2022, Judge Robert Wilkins of that Court asked Deputy Assistant Attorney General Sarah Harrington, "Why shouldn't the Archivist just certify and publish [the Equal Rights Amendment] and let Congress decide whether the deadline should be enforced ...?", and Ms. Harrington answered, "The Constitution doesn't contemplate any role for Congress at the back end. Congress proposes the amendment, it goes out into the world, and the States do what they're going to do": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that, under article V of the Constitution, the legitimate constitutional role of Congress in the constitutional amendment process for the Equal Rights Amendment ended when Congress proposed and submitted the Equal Rights Amendment to the States on March 22, 1972;

(2) recognizes that the Equal Rights Amendment expired when its ratification

deadline passed with fewer than three-fourths of the States ratifying;

(3) recognizes that Congress has no power to modify a resolution proposing a constitutional amendment after the amendment has been submitted to the States, or after the amendment has expired; and

(4) recognizes that the only legitimate way for the Equal Rights Amendment to become part of the Constitution is provided in article V of the Constitution, and requires re-introduction of the same or modified language addressing the same subject, through approval of a new joint resolution by the required two-thirds votes in each house of Congress.

SENATE RESOLUTION 108—RECOGNIZING THE KINGDOM OF BHUTAN AS RESPONSIBLE FOR THE OPPRESSION AND FORCED EVICTION OF MORE THAN 100,000 BHUTANESE CITIZENS DURING THE LATE 1980S AND 1990S

Mr. BROWN (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 108

Whereas the Kingdom of Bhutan was responsible for the oppression and forced displacement of more than 100,000 Nepali language-speaking Bhutanese citizens, Lhotshampas and Sharchops, in the 1990s due to their identity, culture, language, religion, and political opinion;

Whereas many of these individuals experienced unjust detention, torture, and other forms of human rights abuses;

Whereas many political prisoners continue to be held in Bhutanese prisons for protracted sentences;

Whereas persecuted Bhutanese were forced to cross into Nepal, where some remained for nearly two decades in refugee camps;

Whereas thousands of Bhutanese refugees remain in refugee camps in Nepal, and the Government of Bhutan continues to deny dignified repatriation to those who desire it;

Whereas more than 250,000 Nepali-speaking Lhotshampa Bhutanese still inside Bhutan suffer political, social, and economic oppression as the Government of Bhutan has continuously refused to reinstate the citizenships that were stripped during the 1990s;

Whereas such incidences of human rights violations and abuses and extreme acts of violence perpetrated by any individual actor or state should be condemned;

Whereas the majority of the Nepali-speaking Lhotshampa, who were refugees in Nepal, have now resettled in other countries, including Australia, Canada, Denmark, Netherlands, New Zealand, Norway, the United Kingdom, and the United States;

Whereas, although Bhutan and the United States have not established diplomatic relations, the two countries maintain warm and productive unofficial ties;

Whereas the Kingdom of Bhutan transitioned to democracy in 2008 and has held successive free and fair elections and transitions of power since that time;

Whereas the Kingdom of Bhutan has been a leader in the global fight against climate change and is the only carbon negative country;

Whereas the Kingdom of Bhutan has stood with the United States and other likeminded countries as the United Nations to condemn Russian aggression in Ukraine; and

Whereas, the Kingdom of Bhutan is a close Indo-Pacific partner of the United States committed to upholding the rules-based international order: Now, therefore, be it

Resolved, That the Senate—

(1) declares that the Royal Government of Bhutan is responsible for the political, cultural, and ethnic oppression of Nepali-speaking Lhotshampas and Sharchops in Bhutan during the late 1980s and 1990s;

(2) urges the Royal Government of Bhutan to conduct a rapid and unconditional release of all political prisoners, whose crime was demanding democracy and human rights, with due restitution and reparations;

(3) in a spirit of friendship, urges the Royal Government of Bhutan to resume discussions with the Government of Nepal on the status of individuals in Nepal who assert a claim to Bhutan citizenship or residency;

(4) requests the Royal Government of Bhutan to restore citizenship for all Nepali-speaking Lhotshampas that have had it arbitrarily revoked;

(5) requests the Royal Government of Bhutan accept the voluntary return of its citizens from the refugee camps in Nepal; and

(6) urges the Royal Government of Bhutan to enter into a holistic peace building and reconciliation process and institute an independent Truth Commission to publicly investigate any human rights violations and abuses committed during the 1990s, publish its findings, and follow through on its recommendations to ensure no future displacement or oppression of Nepali-speaking Lhotshampas and other minorities in Bhutan.

SENATE RESOLUTION 109—REQUESTING INFORMATION ON SAUDI ARABIA'S HUMAN RIGHTS PRACTICES PURSUANT TO SECTION 502B(C) OF THE FOREIGN ASSISTANCE ACT OF 1961

Mr. MURPHY (for himself, Mr. LEE, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 109

Resolved,

SECTION 1. REQUEST FOR INFORMATION ON SAUDI ARABIA'S HUMAN RIGHTS PRACTICES.

(a) STATEMENT REQUESTED.—The Senate requests that the Secretary of State, not later than 30 days after the date of the adoption of this resolution, transmits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, pursuant to section 502B(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(c)), a statement regarding Saudi Arabia's human rights practices that has been prepared in collaboration with the Assistant Secretary of State for Democracy, Human Rights, and Labor and the Office of the Legal Adviser.

(b) ELEMENTS.—The statement submitted under subsection (a) should include—

(1) all available credible information concerning alleged violations of internationally recognized human rights by the Kingdom of Saudi Arabia, including—

(A) torture and inhuman treatment of detainees;

(B) execution of people for nonviolent offenses;

(C) discrimination against women;

(D) severe restrictions on religious freedom;

(E) forced disappearances;

(F) transnational repression; and

(G) the denial of the right to life in the context of the armed conflict in Yemen caused by indiscriminate or disproportionate operations;